

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDUARDO HERNANDEZ, :
: _____
Plaintiff, : **ORDER**
: _____
-v- : 21-CV-177 (PAE) (JLC)
: _____
UZZAL EXPRESS PIZZERIA INC., *et al.*, :
: _____
Defendants. :
-----X

JAMES L. COTT, United States Magistrate Judge.

IT IS HEREBY ORDERED that the Court is referring this case to mediation under Local Civil Rule 83.9 at the parties' request, and that mediation shall be scheduled within 60 days.

IT IS FURTHER ORDERED that to facilitate mediation the parties shall, within four weeks of this Order, confer and provide the following:

1. Both parties shall produce any existing documents that describe Plaintiff's duties and responsibilities.
2. Both parties shall produce any existing records of wages paid to and hours worked by the Plaintiff (e.g., payroll records, time sheets, work schedules, wage statements and wage notices).
3. Plaintiff shall produce a spreadsheet of alleged underpayments and other damages.

4. Defendants shall produce any existing documents describing compensation policies or practices.

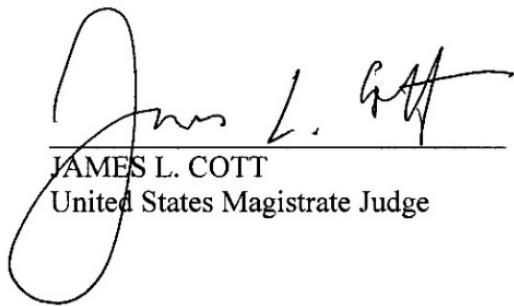
5. If Defendants intend to assert an inability to pay then they shall produce proof of financial condition including tax records, business records, or other documents demonstrating their financial status.

IT IS FURTHER ORDERED that in the event the parties reach settlement, pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), they shall prepare a joint statement explaining the basis for the proposed settlement, including any provision for attorney fees, and why it should be approved as fair and reasonable. The settlement agreement and joint statement shall be presented to the assigned District Judge, or to the assigned Magistrate Judge should the parties consent to proceed for all purposes before the assigned Magistrate Judge (the appropriate form for which is available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>).

In the event the parties do not resolve this case in mediation, they should so advise the Court within 7 days of the conclusion of the mediation.

SO ORDERED.

Dated: September 10, 2021
New York, New York



JAMES L. COTT
United States Magistrate Judge